

International Trade Administration, Commerce

§ 354.3

- 354.11 Prehearing conference.
- 354.12 Hearing.
- 354.13 Proceeding without a hearing.
- 354.14 Initial decision.
- 354.15 Final decision.
- 354.16 Reconsideration.
- 354.17 Confidentiality.

AUTHORITY: 5 U.S.C. 301, and sec. 777 of the Tariff Act of 1930, as amended by sec. 619 of The Trade and Tariff Act of 1984, Pub. L. 93-573, 98 Stat. 2948, 3038, and sec. 1886(a)(13) of the Tax Reform Act of 1986, Pub. L. 99-514, 100 Stat. 2085.

SOURCE: 53 FR 47920, Nov. 28, 1988, unless otherwise noted.

§ 354.1 Scope.

This part sets forth the procedures for imposing sanctions for violation of an administrative protective order issued under 19 CFR 353.30 or 355.20, or successor regulations, as authorized by 19 U.S.C. 1677f(c).

§ 354.2 Definitions.

For purposes of this part:

- (a) *Affected party* means a party against whom sanctions have been proposed but who is not a charged party;
- (b) *APO Sanctions Board* means the Administrative Protective Order Sanctions Board;
- (c) *Charged party* means a person who is charged by the Deputy Under Secretary with violating a protective order;
- (d) *Chief Counsel* means Chief Counsel for Import Administration, or designee;
- (e) *Date of service* means the day a document is deposited in the mail or delivered in person;
- (f) *Days* means calendar days, except that a deadline which falls on a weekend or holiday shall be extended to the next working day;
- (g) *Department* means Department of Commerce;
- (h) *Deputy Under Secretary* means Deputy Under Secretary for International Trade, or designee;
- (i) *Director* means an Office Director under the Deputy Assistant Secretary for Investigations, International Trade Administration, or designee, who shall be responsible for conducting an investigation of an alleged violation of an administrative protective order if the incident is discovered during an administrative review, or an Office Director under the Deputy Assistant Secretary

for Compliance, International Trade Administration, or designee, if the incident is discovered during any other time;

(j) *Lesser included sanction* means a sanction of the same type but of more limited scope than the proposed sanction; thus a one-year bar on representations before the International Trade Administration is a lesser included sanction of a proposed seven-year bar;

(k) *Parties* means the Department and the charged party or affected party in an action under this part;

(l) *Person* means an individual, partnership, corporation, association, organization, or other entity;

(m) *Presiding official* means the person authorized to conduct hearings in administrative proceedings or to rule on any motion or make any determination under this part, who may be an Administrative Law Judge, a Hearing Commissioner, or such other person who is not under the supervision or control of the Assistant Secretary for Import Administration, the Deputy Under Secretary for International Trade, the Chief Counsel for Import Administration, or a member of the APO Sanctions Board;

(n) *Proprietary information* means information the disclosure of which the Secretary has decided is limited under 19 CFR 353.29 or 355.19, including business or trade secrets; production costs; distribution costs; terms of sale; prices of individual sales, likely sales, or offers; names of customers, distributors, or suppliers; exact amounts of the gross net subsidies received and used by a person; names of particular persons from whom proprietary information was obtained; and any other business information the release of which to the public would cause substantial harm to the competitive position of the submitter;

(o) *Protective order* means an administrative protective order issued by the Secretary under 19 CFR 353.30 or 355.20; and

(p) *Under Secretary* means Under Secretary for International Trade, or designee.

§ 354.3 Sanctions.

- (a) A person determined under this part to have violated a protective order